

IN THE SENATE OF THE UNITED STATES.

APRIL 16, 1880.—Ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 740.]

The Committee on Pensions having examined the bill (H. R. 740) granting a pension to Martha J. Robinson, widow of James H. Robinson, private Company E, Fifth Regiment Indiana Cavalry Volunteers, together with the accompanying papers, find that James H. Robinson enlisted August 18, 1862, for three years; that he was discharged on surgeon's certificate of disability from disease—chronic pneumonia—on the 26th September, 1863, and died August 11, 1866; that the application of his widow for a pension was rejected because “no testimony is filed in the case to show the name and nature of the disease that caused the soldier's death.”

Unchallenged evidence is on file of the good health of the soldier prior to enlistment, official evidence that he was treated in the Army for disease, and discharged on surgeon's certificate of disability, which also states his unfitness for enlistment in the Invalid Corps. It is also shown that he was never well after his return from the Army; and filed among the papers is a certificate from the board of enrollment of the second district of Indiana, bearing date January 10, 1865, that he “is exempt from all military duty by reason of hypertrophy of the heart.” These circumstances, in the opinion of the committee, constitute a series of facts which establish the justice of the claim, and whether the disease were chronic pneumonia or hypertrophy of the heart does not affect the validity of the claim. The committee recommend the passage of the House bill.

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